



General Assembly

## ***Amendment***

***May Special Session, 2016***

**LCO No. 6506**



Offered by:

REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. CANDELORA, 86<sup>th</sup> Dist.  
REP. HOYDICK, 120<sup>th</sup> Dist.  
REP. MINER, 66<sup>th</sup> Dist.

To: Senate Bill No. 505

File No.

Cal. No.

### ***"AN ACT CONCERNING A SECOND CHANCE SOCIETY."***

1 Strike section 28 in its entirety and substitute the following in lieu  
2 thereof:

3 "Sec. 28. Section 54-64a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2016*):

5 (a) (1) Except as provided in [subsection (b)] subsections (b), (c) and  
6 (d) of this section, when any arrested person is presented before the  
7 Superior Court, said court shall, in bailable offenses, promptly order  
8 the release of such person upon the first of the following conditions of  
9 release found sufficient to reasonably ensure the appearance of the  
10 arrested person in court: (A) Upon [his] such person's execution of a  
11 written promise to appear without special conditions, (B) upon [his]  
12 such person's execution of a written promise to appear with  
13 nonfinancial conditions, (C) upon [his] such person's execution of a

14 bond without surety in no greater amount than necessary, or (D) upon  
15 [his] such person's execution of a bond with surety in no greater  
16 amount than necessary. In addition to or in conjunction with any of the  
17 conditions enumerated in subparagraphs (A) to (D), inclusive, of this  
18 subdivision, the court may, when it has reason to believe that the  
19 person is drug-dependent and where necessary, reasonable and  
20 appropriate, order the person to submit to a urinalysis drug test and to  
21 participate in a program of periodic drug testing and treatment. The  
22 results of any such drug test shall not be admissible in any criminal  
23 proceeding concerning such person.

24 (2) The court may, in determining what conditions of release will  
25 reasonably ensure the appearance of the arrested person in court,  
26 consider the following factors: (A) The nature and circumstances of the  
27 offense, (B) such person's record of previous convictions, (C) such  
28 person's past record of appearance in court after being admitted to  
29 bail, (D) such person's family ties, (E) such person's employment  
30 record, (F) such person's financial resources, character and mental  
31 condition, and (G) such person's community ties.

32 (b) (1) When any arrested person charged with the commission of  
33 (A) a class A felony, (B) a class B felony, except a violation of section  
34 53a-86 or 53a-122, (C) a class C felony, except a violation of section 53a-  
35 87, 53a-152 or 53a-153, [or] (D) a class D felony under sections 53a-60 to  
36 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114,  
37 53a-136 or 53a-216, or [a] (E) any family violence crime, as defined in  
38 section 46b-38a, except as provided in subsection (d) of this section, is  
39 presented before the Superior Court, said court shall, in bailable  
40 offenses, promptly order the release of such person upon the first of  
41 the following conditions of release found sufficient to reasonably  
42 ensure the appearance of the arrested person in court and that the  
43 safety of any other person will not be endangered: [(A)] (i) Upon such  
44 person's execution of a written promise to appear without special  
45 conditions, [(B)] (ii) upon such person's execution of a written promise  
46 to appear with nonfinancial conditions, [(C)] (iii) upon such person's  
47 execution of a bond without surety in no greater amount than

48 necessary, [(D)] or (iv) upon such person's execution of a bond with  
49 surety in no greater amount than necessary. In addition to or in  
50 conjunction with any of the conditions enumerated in [subparagraphs  
51 (A) to (D), inclusive, of] this subdivision, the court may, when it has  
52 reason to believe that the person is drug-dependent and where  
53 necessary, reasonable and appropriate, order the person to submit to a  
54 urinalysis drug test and to participate in a program of periodic drug  
55 testing and treatment. The results of any such drug test shall not be  
56 admissible in any criminal proceeding concerning such person.

57 (2) The court may, in determining what conditions of release will  
58 reasonably ensure the appearance of the arrested person in court and  
59 that the safety of any other person will not be endangered, consider the  
60 following factors: (A) The nature and circumstances of the offense, (B)  
61 such person's record of previous convictions, (C) such person's past  
62 record of appearance in court after being admitted to bail, (D) such  
63 person's family ties, (E) such person's employment record, (F) such  
64 person's financial resources, character and mental condition, (G) such  
65 person's community ties, (H) the number and seriousness of charges  
66 pending against the arrested person, (I) the weight of the evidence  
67 against the arrested person, (J) the arrested person's history of  
68 violence, (K) whether the arrested person has previously been  
69 convicted of similar offenses while released on bond, and (L) the  
70 likelihood based upon the expressed intention of the arrested person  
71 that such person will commit another crime while released.

72 (3) When imposing conditions of release under this subsection, the  
73 court shall state [for] on the record any factors under subdivision (2) of  
74 this subsection that it considered and the findings that it made as to  
75 the danger, if any, that the arrested person might pose to the safety of  
76 any other person upon the arrested person's release that caused the  
77 court to impose the specific conditions of release that it imposed.

78 (c) Except in the case of an arrested person charged with failure to  
79 appear pursuant to section 53a-173, or a family violence crime, as  
80 defined in section 46b-38a, or if the court makes a finding on the record

81 that the arrested person would pose a risk to the safety of another  
82 person upon release, or as provided in subsection (d) of this section,  
83 when any arrested person, charged with no crime other than a  
84 misdemeanor, is presented before the Superior Court, said court shall  
85 promptly order the release of such person upon the first of the  
86 following conditions of release found sufficient to reasonably ensure  
87 the appearance of the arrested person in court: (1) Upon such person's  
88 execution of a written promise to appear without special conditions,  
89 (2) upon such person's execution of a written promise to appear with  
90 nonfinancial conditions, or (3) upon such person's execution of a bond  
91 without surety in no greater amount than necessary. In addition to or  
92 in conjunction with any of the conditions enumerated in subdivisions  
93 (1) to (3), inclusive, of this subsection, the court may, when it has  
94 reason to believe that the person is drug-dependent and where  
95 necessary, reasonable and appropriate, order the person to submit to a  
96 urinalysis drug test and to participate in a program of periodic drug  
97 testing and treatment. The results of any such drug test shall not be  
98 admissible in any criminal proceeding concerning such person.

99 (d) When any arrested person charged with the commission of a  
100 crime for which there is a victim is presented before the Superior  
101 Court, said court shall, in bailable offenses, promptly order the release  
102 of such person upon such person's execution of a bond with surety in  
103 no greater amount than necessary. In addition, the court may, when it  
104 has reason to believe that the person is drug-dependent and where  
105 necessary, reasonable and appropriate, order the person to submit to a  
106 urinalysis drug test and to participate in a program of periodic drug  
107 testing and treatment. The results of any such drug test shall not be  
108 admissible in any criminal proceeding concerning such person.

109 ~~[(c)]~~ (e) If the court determines that a nonfinancial condition of  
110 release should be imposed pursuant to [subparagraph (B) of  
111 subdivision (1) of] subsection (a), [or (b)] (b), (c) or (d) of this section,  
112 the court shall order the pretrial release of the person subject to the  
113 least restrictive condition or combination of conditions that the court  
114 determines will reasonably ensure the appearance of the arrested

115 person in court and, with respect to the release of the person pursuant  
116 to subsection (b) of this section, that the safety of any other person will  
117 not be endangered, which conditions may include an order that the  
118 arrested person do one or more of the following: (1) Remain under the  
119 supervision of a designated person or organization; (2) comply with  
120 specified restrictions on such person's travel, association or place of  
121 abode; (3) not engage in specified activities, including the use or  
122 possession of a dangerous weapon, an intoxicant or a controlled  
123 substance; (4) provide sureties of the peace pursuant to section 54-56f  
124 under supervision of a designated bail commissioner or intake,  
125 assessment and referral specialist employed by the Judicial Branch; (5)  
126 avoid all contact with an alleged victim of the crime and with a  
127 potential witness who may testify concerning the offense; (6) maintain  
128 employment or, if unemployed, actively seek employment; (7)  
129 maintain or commence an educational program; (8) be subject to  
130 electronic monitoring; or (9) satisfy any other condition that is  
131 reasonably necessary to ensure the appearance of the person in court  
132 and that the safety of any other person will not be endangered. The  
133 court shall state on the record its reasons for imposing any such  
134 nonfinancial condition.

135 [(d)] (f) If the arrested person is not released, the court shall order  
136 [him] such person committed to the custody of the Commissioner of  
137 Correction until [he] such person is released or discharged in due  
138 course of law.

139 [(e)] (g) The court may require that the person subject to electronic  
140 monitoring pursuant to subsection [(c)] (e) of this section pay directly  
141 to the electronic monitoring service provider a fee for the cost of such  
142 electronic monitoring services. If the court finds that the person subject  
143 to electronic monitoring is indigent and unable to pay the costs of  
144 electronic monitoring services, the court shall waive such costs. Any  
145 contract entered into by the Judicial Branch and the electronic  
146 monitoring service provider shall include a provision stating that the  
147 total cost for electronic monitoring services shall not exceed five  
148 dollars per day. Such amount shall be indexed annually to reflect the

149 rate of inflation."

150 Strike sections 30 to 32, inclusive, in their entirety and substitute the  
151 following in lieu thereof:

152 "Sec. 30. Subsection (b) of section 53a-32 of the general statutes is  
153 repealed and the following is substituted in lieu thereof (*Effective*  
154 *October 1, 2016*):

155 (b) When the defendant is presented for arraignment on the charge  
156 of violation of any of the conditions of probation or conditional  
157 discharge, the court shall review any conditions previously imposed  
158 on the defendant and may order, as a condition of the pretrial release  
159 of the defendant, that the defendant comply with any or all of such  
160 conditions in addition to any conditions imposed pursuant to section  
161 54-64a, as amended by this act. Unless the court, pursuant to  
162 subsection [(c)] (e) of section 54-64a, as amended by this act, orders  
163 that the defendant remain under the supervision of a probation officer  
164 or other designated person or organization, the defendant shall be  
165 supervised by the Court Support Services Division of the Judicial  
166 Branch in accordance with subsection (a) of section 54-63b.

167 Sec. 31. Section 53a-222 of the general statutes is repealed and the  
168 following is substituted in lieu thereof (*Effective October 1, 2016*):

169 (a) A person is guilty of violation of conditions of release in the first  
170 degree when, while charged with the commission of a felony, such  
171 person is released pursuant to subsection (b) of section 54-63c,  
172 subsection (c) of section 54-63d or subsection [(c)] (e) of section 54-64a,  
173 as amended by this act, and intentionally violates one or more of the  
174 imposed conditions of release.

175 (b) Violation of conditions of release in the first degree is a class D  
176 felony.

177 Sec. 32. Section 53a-222a of the general statutes is repealed and the  
178 following is substituted in lieu thereof (*Effective October 1, 2016*):

179 (a) A person is guilty of violation of conditions of release in the  
180 second degree when, while charged with the commission of a  
181 misdemeanor or motor vehicle violation for which a sentence to a term  
182 of imprisonment may be imposed, such person is released pursuant to  
183 subsection (b) of section 54-63c, subsection (c) of section 54-63d or  
184 subsection [(c)] (e) of section 54-64a, as amended by this act, and  
185 intentionally violates one or more of the imposed conditions of release.

186 (b) Violation of conditions of release in the second degree is a class  
187 A misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Sec. 28	<i>October 1, 2016</i>	54-64a
Sec. 30	<i>October 1, 2016</i>	53a-32(b)
Sec. 31	<i>October 1, 2016</i>	53a-222
Sec. 32	<i>October 1, 2016</i>	53a-222a